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IN THE FEDERAL DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

DANIEL HARRIS, an Individual,

Plaintiff,

v.

PEACEHEALTH, a corporation,

Defendant.

Case No.

**COMPLAINT FOR DAMAGES
(EMPLOYMENT DISCRIMINATION)**

Prayer: \$454,107.00

NOT SUBJECT TO MANDATORY
ARBITRATION

JURY TRIAL REQUESTED

COMES NOW, Plaintiff Daniel Harris, through counsel, and files this Complaint for Damages against the above-named Defendant. Plaintiff alleges as follows:

INTRODUCTION

This case goes to heart of an individual's fundamental right to free religious expression and thought and a belief in bodily autonomy. This case also grapples with the very topical controversies surrounding management of the COVID-19 pandemic and the vaccine mandates

that have swept the nation. In the end, though, this case is about the Plaintiff and the unlawful religious discrimination he encountered at the hands of Defendant PeaceHealth.

JURISDICTION, VENUE, AND PARTIES

1.

Venue for this action is proper in the District of Oregon. The Plaintiff, Daniel Harris, lives in the State of Oregon. Defendant is a corporation with more than 500 employees that does regular, sustained business activity in the State of Oregon. Plaintiff exhausted his administrative remedies through the U.S. Equal Employment Opportunity Commission and received a right-to-sue letter on or about May 11, 2022 regarding his Title VII claims.

2.

At all times material to this Complaint, Plaintiff was a resident of Oregon.

3.

At all times material to this Complaint, Defendant PeaceHealth was regularly conducting business in the State of Oregon, specifically at the Riverbend facility.

4.

Plaintiff seeks a jury trial for all claims that can be tried to a jury under federal and state law.

STATEMENT OF FACTS

5.

Plaintiff was hired on or about May 18, 2021 as a contractor by Defendant at its PeaceHealth Springfield Hospital location as a Customs Protection Officer. Plaintiff was employed by G4S Secure Solutions. A custom protection officer is a highly trained security professional who is responsible for protecting property and citizens from crime-related incidents.

Plaintiff received positive performance reviews and had a superlative attendance record. At the time Plaintiff was constructively terminated by Defendant, he was making approximately \$25.85 an hour. Plaintiff is also a devoutly religious member of the Christian faith who endeavors always to follow the teachings of Christ.

6.

Until the COVID-19 pandemic unfolded, Plaintiff's faith had not caused a conflict with his work requirements.

7.

The COVID-19 pandemic manifested in Oregon in late February of 2020. The pandemic immediately represented a dramatic event in the lives of every Oregon resident, but particularly individuals who worked in health care facilities. From the time Plaintiff began working at the Defendant's facility, he scrupulously followed hospital rules and regulations to protect against infection, which included the wearing of personal protective equipment (herein, "PPE"), testing for COVID-19, hand-washing and other hygiene protocols, social distancing when possible, and quarantining if necessary. Plaintiff did not miss any work related to COVID-19.

8.

In the summer of 2021, Plaintiff was notified through his employer, G4S, that Defendant PeaceHealth had announced its intent to impose a COVID-19 vaccine mandate. Plaintiff, as a devout Christian, did not believe it was consistent with his faith to take the vaccine. However, he was informed that PeaceHealth would not allow any contractors who were unvaccinated to enter PeaceHealth premises, without exception.

9.

Accordingly, Plaintiff was placed on unpaid administrative leave by PeaceHealth on August 31, 2021, despite applying for a religious exemption in the middle of August, 2021. Plaintiff received no information directly from PeaceHealth.

10.

Plaintiff was shocked and dismayed by Defendant's treatment of him, particularly since he had been a dedicated worker.

11.

Plaintiff has been unable to secure employment, other than two brief stints as a national guardsman, including one at a PeaceHealth facility.

12.

The Defendant has yet to explain why, in its view, after three months of being able to work without incident during the pandemic, Plaintiff's unvaccinated status suddenly created an unacceptable health and safety risk necessitating him being placed on unpaid administrative leave.

13.

Upon information and belief, the Defendant's discriminatory actions against Plaintiff were not, as it has claimed, to protect against an unacceptable health and safety risk. Instead, those actions were discriminatory against Plaintiff based on his sincerely held religious beliefs and an unacceptable retaliation for expressing those beliefs. There were reasonable accommodations available to the Defendant that would not have caused an undue burden on the Defendant that it failed to pursue. Instead, it took the most drastic action it could against Plaintiff, evidencing an unlawful discriminatory intent. The fact that Plaintiff, as a national guardsman, was allowed on PeaceHealth premises as an unvaccinated person is further evidence of the inherent illogic of Defendant's position.

14.

Because of the Defendant's unlawful actions against Plaintiff, Plaintiff has suffered economic loss and severe emotional distress. He has also been ostracized and stigmatized unfairly for his religious convictions.

FIRST CLAIM FOR RELIEF

**(Unlawful Employment Discrimination Based on Religion
in Contravention of Or. Rev. Stat. § 659A.030)**

Plaintiff realleges all paragraphs above and below as if fully set forth herein.

15.

Plaintiff is a member of a protected class on the basis of his devout and sincerely held religious belief in the tenants of Christianity.

16.

The Plaintiff's sincerely held religious beliefs conflicted with the Defendant's COVID-19 vaccine mandate.

17.

The Defendant failed to make a good faith effort to accommodate Plaintiff's religious beliefs that prevented him from taking the COVID-19 vaccine. It would not have been an undue hardship to have allowed Plaintiff to continue working at the PeaceHealth facility with PPE, regular testing, and other measures to protect against the spread of COVID-19, as was done for the nearly two years before the imposition of the COVID-19 vaccine mandate.

18.

Instead of finding a reasonable accommodation or set of accommodations for his religious beliefs, the Defendant engaged in a series of adverse actions culminating in Plaintiff's unlawful termination. The unlawful discrimination against Plaintiff's religion by Defendant as outlined above was a proximate cause of Plaintiff's wrongful termination.

19.

As a result of Defendant's violation of O.R.S. 659A.030(1)(A), Plaintiff has been damaged in an amount of no less than \$100,000.00 in economic damages, or a different amount to be determined at trial, and for non-economic damages in an amount to be determined at trial for suffering, emotional distress, anguish, and mental distress. Plaintiff also seeks punitive

damages. Plaintiff further seeks attorney's fees.

SECOND CLAIM FOR RELIEF

**(Unlawful Discrimination in Contravention of Title VII of the Civil Rights Act –
42 U.S.C. §2000e et seq.)**

Plaintiff realleges all paragraphs above and below as if fully set forth herein.

20.

Plaintiff is a member of a protected class on the basis of his devout and sincerely held religious belief in the tenants of Christianity.

21.

The Plaintiff's sincerely held religious beliefs conflicted with the Defendant's COVID-19 vaccine mandate.

22.

The Defendant failed to make a good faith effort to accommodate Plaintiff's religious beliefs that prevented him from being able to take the COVID-19 vaccine. It would not have been an undue hardship to have allowed Plaintiff to continue working with PPE, regular testing, and other measures to protect against the spread of COVID-19, as was done for the nearly two years before the imposition of the COVID-19 vaccine mandate.

23.

Instead of finding a reasonable accommodation or set of accommodations for his religious beliefs, the Defendant engaged in a series of adverse actions culminating in Plaintiff's unlawful termination. The unlawful discrimination against Plaintiff's religion by Defendant as outlined above was a proximate cause of Plaintiff's wrongful termination.

24.

As a result of Defendant's unlawful discrimination, Plaintiff has been damaged in an amount to be determined at trial, but that exceeds \$100,000.00, and for non-economic damages

in an amount to be determined at trial for suffering, emotional distress, anguish, and mental distress. Plaintiff also seeks punitive damages. Plaintiff further seeks attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant and seeks the following relief:

1. A judgment in favor of Plaintiff and against Defendant on both claims in an amount to be determined at trial but exceeding \$100,000.00.
2. Plaintiff seeks a trial by Jury on all claims to which Plaintiff is entitled to a jury trial.
3. Plaintiff's reasonable attorney fees, costs, and prevailing party fees.
4. Any other relief as the Court deems just and equitable.

DATED this 8th day of August, 2022.

JANZEN LEGAL SERVICES, LLC

By /s/ Caroline Janzen
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Attorney for the Plaintiff